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## Tasmanian Planning Commission

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### Submission on the TPPs

Thank you for the opportunity to comment on the draft Tasmanian Planning Policies (TPPs). The Sorell Planning Authority considered the draft TPPs at its meeting of 20 June 2023 and resolved to make this submission. The agenda report for this meeting provides further background to this submission.

The key strategic planning imperative for Sorell Council is the comprehensive review of the Southern Tasmanian Regional Land Use Strategy (STRLUS). The timing of the review is critical as the Sorell LGA, like many other areas of Tasmania, is seeing continual demand for residential development above supply. Based on current rates of dwelling construction, it is likely that the residential areas of Midway Point and Sorell will be fully developed within ten years.

It is vital that the many simultaneous elements of the current planning reform agenda do not delay the critical need for a new regional land use strategy. In this light, we trust that the TPPs will be approved as soon as practical.

Council is supportive of the range of matters addressed and the strategic direction provided, noting that the TPPs are similar to the strategic direction already established by STRLUS. The following submission identifies some areas where Council considers that further revision of the TPPs is beneficial.

#### General comment

The TPPs are structured around seven sections with each section having several policy areas and each policy area containing a number of strategies. The overlap and repetition of strategy across the seven sections is understood and necessary. However, in some policy areas, strategic statements overlap one another and repeat similar or equivalent strategic outcomes. The overlap and repetition, together with some imprecise language, may lead to ambiguity and conflicting interpretations.

In a general sense, it is considered appropriate that the TPPs be refined to:

1. limit prescriptive or detailed considerations that may unnecessarily constrain regional or local strategy;
2. remove overlapping or similar strategic statements in any one policy area so that each strategic statement address a distinct policy consideration;
3. use more precise terms to express the outcome(s) sought; and

4. provide greater clarity and explanation of the outcome(s) sought, including separate guidelines where necessary.

## Settlement Section

The section requires the use of population projections and forecast demographic change to base land supply and demand figures on. These projections will be incorporated into each regional land use strategy and there are several related projects underway to forecast future housing demand.

Between census counts, the Australian Bureau of Statistics releases monthly estimated resident population (ERP) figures based on change of addresses received by Medicare. The figures therefore do not include workers on visa's. The recent census confirmed that these ERP figures undercounted the Tasmanian population by at least 20,000 people (i.e., the visa holders). Population projections also have low, medium and high ranges which, in the main, reflect variability in estimates of net interstate migration which is much harder to predict than births and deaths. The STRLUS adopted a medium scenario (which is below actual growth) with the Greater Hobart Plan adopting a position between medium and high scenarios.

What population and demographic projections are used are important given the time horizon between strategic planning decisions and the construction of new housing stock as well as the relatively small size of Tasmanian settlements (i.e., less capacity to absorb higher growth).

The issues of housing affordability and scarcity have been prevalent for many years now and yet STRLUS still persists with an outdated population growth scenario, demonstrating a significant time delay to change the course of strategic frameworks which, in turn, enable the market to make investment decisions.

In short, recent experience has shown that it is very difficult to adjust to higher rates of growth. Whereas lower than expected growth can be adjusted to through delayed infrastructure expenditure and the market can adjust, higher growth requires strategic land use infrastructure planning and delivery to be brought forward in order to allow the market to respond.

The TPPs should include strategies for the collection and monitoring of relevant population, housing and economic data, for the regular review of population and demographic forecasts, for the establishment of a consistent approach and on issues associated with the adoption of low, medium and high growth scenarios.

It is considered reasonable that the land use and infrastructure systems consistently apply a high growth scenario.

There should also be the ability for regional land use strategies to apply strategy 2 (which provides growth planning principles) in a manner that is appropriate to the role of each settlement in the settlement hierarchy.

More detailed comments for this policy are:

- Policy 1 confirms that a 15 year planning horizon applies to growth management and uses the expression 'available, identified or allocated' land. As each term has a vastly different meaning, the interpretation is unclear. Is the principle sought that there is 15 year supply that is 'allocated' through zoning or that there is a 15 year supply that is 'available' through zoning *and* services. Simply state 'Establish and maintain settlement growth boundaries that incorporate at least a 15 year supply of suitably zoned and serviced land to accommodate forecast demand for residential, commercial, industrial, recreational and community land'.
- Policy 2 prioritises growth through infill and land that has service capacity. The policy is only to 'prioritise and encourage' infill and requires a stronger language. The policy could read, 'where feasible, accommodate forecast demand through the efficient use of land within settlement boundaries'.
- Clause (c) could be reworded, 'integrate with existing *or planned* transport systems' and clause (d) (iv), change 'and' to 'or'.
- Policy 5, appropriately, seeks to address impediments to infill development that have, to date, constrained existing land use strategies for medium density housing along transport corridors. It is unclear whether the policy relates to impediments in land use planning regulation, or broader development regulation, or market impediments such as finance and other development risk or incentives. The scope of the policy should be expressed and be as broad as possible.
- Policy 8 relates to urban growth boundary extensions. This is similar to clauses added into the STRLUS in recent years to address growth management pressures. This policy should not be necessary if policy 1, 2 and 6 outline the relevant considerations for planning for growth. Extensions outside of a structure planning process should be able to address these other policies as opposed to a one specific policy on extensions. It is suggested that (a) to (e) be incorporated into policy 2(d).
- Policy 11 addresses the sequence of development and cost-effective infrastructure provision. The policy is similar to 6 (e to f), 2b and 2(d)(i) and it is suggested that policy 11 be consolidated into these other policies.

### *Liveability*

Policy 7, which addresses climate change mitigation, differs from other strategies in the TPPs in that it provides illustrative examples of ways to mitigate impact. The examples provided, such as shade and water features in public spaces, are local in scale and appear unnecessary for a statewide perspective. Measures that are relevant for a statewide perspective would

include adopting the seven energy requirement for new buildings, supporting the upgrade of existing building stock to improve energy efficiency or energy conservation.

### *Social Infrastructure*

Strategy 5 addresses the location of social infrastructure in close proximity to, or highly accessible by, residential areas. Social infrastructure refers to a broad range of uses, some of which should be located in activity centres while others are appropriately located within or close to residential areas. It is not entirely clear what this strategy is to achieve or how it would be applied.

### *Settlement Types*

The rural living strategy is, unlike other strategies, detailed and prescriptive in nature.

STRLUS restricted rural living land to established areas that are based either on existing zoning or the recognition of existing fragmented subdivision patterns. STRLUS also offered some flexibility to adjust rural living zone provided that no net increase in the zoning occurred.

Managing rural living land is challenging. On one hand, there are significant impacts on transport networks, natural values and rural use as well as comparatively high infrastructure costs. On the other, there is a strong market demand for rural living land.

The strategy on rural living is considered problematic as it focuses on the zoning of land rather than the supply and demand on rural living lots without support for infill opportunities to make a more efficient use of land.

As settlements continue to expand, rural living areas close to or adjacent to serviced settlements maybe more appropriately zoned and developed through a low density or general residential zone. Such changes may be appropriate to increase land supply close to existing services, which reflects many other strategies in the TPPs. The rural living strategy would prevent a compensatory increase in rural living land.

The TPPs would also prevent the recognition of existing fragmented lot patterns in rural areas that are characterised by residential use. Where residential amenity either precludes or has greater priority over access to rural resources, it is appropriate to recognise these areas and zone them as rural living, while preventing subdivision if infrastructure is inadequate.

The TPPs have a narrow consideration of rural living land that is focused on 'avoid allocating additional land for the purposes of rural residential use and development'. It is submitted that the TPPs need to consider the issue of rural living zoning through land supply. It is submitted that while there should be no net increase in the amount of rural living land, there is a need to manage the strong demand for rural living land.

It is suggested that the policy should state:

- Consider the supply and demand for rural living land on a regional or sub-regional scale.
- Provide for rural living demand through further subdivision and infill of rural living land in locations that are supported by adequate infrastructure and where natural values and hazards can be avoided or managed.
- The rural living zone may apply where lot patterns are fragmented, where access to rural resources are significantly constrained, where rural land has been converted to residential use and where maintaining residential amenity is necessary and appropriate.
- Include rural living areas within settlement growth boundaries where adjoining settlements if a more efficient subdivision and use of land can be achieved.
- Avoid allocating land for rural living use where:
  - The land is identified for future urban development
  - The land has the potential for future urban development in the long-term
  - The land is agricultural land, particularly agricultural land that may support productive enterprise in the long-term
  - The area is unreasonably disconnected from social or commercial services
  - The total amount of rural living zoning in a region or sub-region is not increased beyond a minimal additional size.

Taken as a whole the above would support regional and local planning to manage rural living land to make the most efficient use of land while constraining new rural living estates. It is a variation of the STRLUS strategy which supported an active management of rural living land by 'Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agricultural) with other land better suited for rural living purposes.

With respect to the proposed policy, the phrase used at clause (c) 'incremental, strategic and natural progression' is not realistic as something that is incremental is unlikely to also be strategic.

### *Housing*

Strategy 4 on housing diversity encourages, among other matters, design for ageing in place and for those living with disabilities. These matters are important and the policy could be broadened to consider the affordability, design quality, solar access and liveability of all housing.

For instance, the Southern Australian State Planning Policies state '*apply universal and adaptable housing principles in new housing stock to support changing needs over a lifetime, including the needs of those who are less mobile*'. This policy broadens the consideration of

good design from a narrow focus on ageing to one of housing that is more accessible and adaptable for all.

It is also appropriate that the TPPs support innovation of models of housing delivery. For instance, the Southern Australian State Planning Policies state *'facilitate the provision of Affordable Housing through incentives such as planning policy bonuses or concessions (e.g. where major re-zonings are undertaken that increase development opportunities)'*.

Lastly, the housing TPPs should specify outcomes. In South Australia, regional plans are required to include performance targets of outcomes sought for housing, such as performance targets on increased housing supply and on land supply.

## **Environmental Values Section**

### *Biodiversity*

The TPPs, appropriately, recognise that there are lower and higher values and that regulation should be appropriate to the value at risk. The TPPs also support an avoid, minimise and offset hierarchy of actions. Multiple strategies refer to potential climate change impacts such as 'support early action against loss of biodiversity as a result of climate change'. These strategies are reasonable although the language is unclear in what is required.

### *Waterways, Wetlands and Estuaries*

This policy addresses waterway protection and management, drinking water catchments, water resources and catchment management. The strategies are comparable to those in the STRLUS. The strategies can be consolidated as there is some duplication with, for instance, both strategy 2 and 4 setting out expected outcomes and levels of protection. Strategy 2 is unnecessarily prescriptive and would require development to either be reliant on an aquatic environment, be for flood mitigation or have 'considerable social, economic and environmental benefits'. Any such statements should be supported by explanation and clarification. The language could also be improved, for instance, strategy 6 states 'promote the protection of ecological health ...' rather than a clearer statement such as 'protect ecological health...'.

### *Landscape Values*

Strategy 4 refers to avoiding impact to significant landscapes unless there are 'overriding social, economic and environmental benefits'. In other strategies the phrase 'considerable social, economic and environmental benefits' is used. It is suggested that consistent terms are used and that some clarification and explanation is provided to assist in interpretation.

Council would like to see stronger and more direct consideration of the aesthetic and ecological impacts of external lighting in the SPPs. Council therefore requests consideration of this in the TPPs to at least refer to the *National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds* published by the federal Department of the Environment and Energy

(<https://www.agriculture.gov.au/sites/default/files/documents/national-light-pollution-guidelines-wildlife.pdf>).

### *Coasts*

Strategy 3 requires the identification of coastal areas that can support the sustainable use and development of various activities. While it is appropriate to recognise that development will occur in coastal areas, it is unclear why suitable areas need to be identified or in fact how that could occur without significant levels of investigation. The South Australian State Planning Policies include the following two policy statements which are considered more appropriate:

- *Balance social and economic development outcomes in coastal areas with the protection of the environment.*
- *Development that enables and enhances public access to coastal areas with minimal impact on the environment and amenity.*

### **Environmental Hazards Section**

A key challenge to managing environmental hazards and environmental values in the planning system is the limitations inherent in the use of overlays. There is no governance structure in place to oversee the maintenance of state or regional overlays. An overlay can only be prepared with the best available data at the time. However, overlays become quickly outdated as new data is prepared which is particularly the case for priority vegetation and flooding. There are numerous examples of costly flood reports being required in the Sorell LGA due to overlays that do not reflect more recent stormwater rectification works or works undertaken during subdivision to remove the flood risk (such as raising ground levels).

Prior to the interim schemes, expert reports on flood, landslide, bushfire or other issues were required on an ad hoc basis with inconsistencies across Councils. The move to overlays was to provide consistency and standardisation and avoid what was perceived as unnecessary or unreasonable costs to applicants. The issue of unreasonable costs to applicants remains however due to inflexibility in how overlays are applied.

A policy is required with respect to the oversight and maintenance of overlays and to ensure that the need for reports on hazard or values is reflective of actual conditions on ground.

### *Bushfire*

Strategy 7 requires the consideration of ‘the cumulative effects of planning decisions so new use and development will not result in an unacceptable increase to bushfire risks for existing use and development’. It is unclear if this is referencing the greater demand on fire fighting resources from additional development, or some other aspect of bushfire risk.

### *Coastal Hazards*

Relative to the STRLUS, there is a stronger recognition of the potential need for strategic responses for existing settlements through adaptation, planned retreat or protection which is supported.

## **Sustainable Economic Development**

### *Agriculture*

This policy covers the identification of agricultural land, conversion and fettering and the use of agricultural land. The policy will need to be read in conjunction with the *State Policy for the Protection of Agricultural Land*. The provisions are similar to STRLUS although there is a new strategy with respect to maintaining small-farms at the urban fringe. A number of the strategies provided address the same or similar issues and could be consolidated into fewer, more direct strategic statements.

The TPPs should address the issue of changing agricultural production through technology or other means. South Australia, for instance, include the following State Planning Policy.

*Enable primary industry businesses to grow, adapt and evolve through technology adoption, intensification of production systems, business diversification, workforce attraction and restructuring.*

The current planning schemes do not include any zone interface provisions for instances where agricultural land adjoins a General Residential Zone or Low Density Residential Zone. Whilst this is relatively rare in Sorell, it is nevertheless an important consideration. South Australia includes the following State Planning Policy which should be incorporated into the TPPs.

*Equitably manage the interface between primary production and other land use types, especially at the edge of urban areas.*

### *Tourism*

This policy addresses the identification of existing and potential key tourism sites and destinations, visitor accommodation, cumulative impacts and brand management. The majority of strategies provided would be implemented outside of the land use planning system and there is little clarification of how the land use system will support furthering these strategies. For instance, references to experiences that support the Tasmanian brand, or investments in cultural activities are not land use matters. Strategy 7 seeks to prevent the cumulative impacts on tourism but does not identify what cumulative impacts are relevant or how they can be addressed in the land use system. In general, greater clarity is needed. The Queensland State Planning Policies require land use planning to consider and reflect 'the findings of state endorsed tourism studies and plans' which perhaps summarises what the TPPs are attempting.

### *Industry*



The policy addresses the identification of land for industrial use, rural industries and incompatible use and development. The provisions are similar to those in the STRLUS although the 5, 15 and 30 year time horizon for industrial land is replaced with a 15 year horizon. Given the limited options for siting industrial land, it is considered essential that a long time horizon is considered. The TPPs should also address issues such as innovation, coordination and economies of scale.

## **Physical Infrastructure Section**

### *Provision of Services*

This policy addresses infrastructure capacity and siting, developer charges and sewer, electricity, telecommunications and waste. Strategy 2 requires the identification of whether existing infrastructure has capacity for growth. It is considered important that the section also address water and stormwater services.

Strategy 2 requires the identification of whether existing infrastructure has capacity for growth. It is considered important that the section also address water and stormwater services. It is unclear what implementation measures are proposed to identify existing infrastructure capacity will occur, or, more importantly the strategic analysis of future infrastructure augmentation, extension or renewal. This level of analysis is important but is also costly. Sorell Council has long lobbied TasWater to undertake a sewerage strategy for Sorell and Midway Point. Such strategies are funded through TasWater's price and services plan which is set of a four yearly cycle. It is a challenge to coordinate this detailed work across multiple agencies and providers.

Council is supportive of the potential role for infrastructure contributions to better manage, both in terms of the fair distribution of costs and in the more efficient release of land, infrastructure provision.

## **Planning Processes Section**

### *Public Engagement*

Strategy five states 'acknowledge that planning outcomes, derived through public engagement processes, involves compromise and trade-offs that balance the community's social, economic and environmental interests'.

The strategy does not acknowledge the limitations set by legislation regarding how public engagement occurs in certain processes or the constraints that Planning Authorities are bound by when making planning decisions. For statutory planning, the reality is that public engagement has little substantive effect on outcomes where decision-making is constrained by legislation and the specific provisions of planning scheme. In strategic planning, community aspirations are constrained by policies such as these TPPs. The strategy should distinguish between strategic and statutory planning engagement and clarify that outcomes may be informed by public engagement, but are rarely derived from such processes.

## *Strategic Planning*

Strategy 1 states to 'support the application of the precautionary principle where the implications of planning decisions on the environment, now and into the future, is not fully known or understood'. The strategy is entirely appropriate and reflects one of the principles underpinning the RMPS. How this is interpreted and applied could, however, be improved by also recognising that there is inherent uncertainty in making land use decisions today that remain in effect for a very long period of time. The precautionary principle is one of several principles that need to be considered and should not be construed that uncertainty alone is a reason to not make decisions.

## *Regulation*

That planning regulation should be the minimum necessary for the potential level of impact is an important statement for the TPPs to make. There is also a critical need to coordinate (i.e., integrate) planning and other systems to result in the least amount of regulation necessary to protect the interest of the public and consumers.

The TPPs should also reference the need to maintain a regulatory system that is current and efficient. For instance, the existing administrative elements of the *Land Use Planning and Approvals Act 1993* are particularly costly to applicants and Council's and there are several practical changes that could be made to reduce time and costs.

The key policy consideration is not whether the system is overly regulated or not, rather it is whether regulation is consistent, proportional, accountable and targeted at matters of value to the community.

Other jurisdictions make greater use of planning regulation as a way to incentivise desired outcomes to bonuses and incentives, such as a higher density in exchange for affordable housing. The Tasmanian system should become a more mature system and the TPPs should support the use of innovative land use regulation to incentivise positive change.

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